



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2014 REGULAR SESSION

SENATE BILL NO. 29

THURSDAY, JANUARY 30, 2014

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
DATE April 2, 2014
4:32pm
ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY L. Miller

1 AN ACT relating to acupuncture.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔Section 1. KRS 311.671 is amended to read as follows:

4 In order to protect the life, health, and safety of the public, any person practicing or
 5 offering to practice as an acupuncturist shall be licensed~~[certified]~~ as provided in KRS
 6 311.671 to 311.686. ~~[After July 12, 2006,]~~It shall be unlawful for any person not
 7 licensed~~[certified]~~ under KRS 311.671 to 311.686 to practice acupuncture in this state, or
 8 to use any title, sign, card, or device to indicate that he or she is an acupuncturist. The
 9 provisions of KRS 311.671 to 311.686 are not intended to limit, preclude, or otherwise
 10 interfere with the practice of other health-care providers, working in any setting and
 11 certified or licensed by appropriate agencies or committees of the Commonwealth of
 12 Kentucky, whose practices and training may include elements of the same nature as the
 13 practice of a licensed~~[certified]~~ acupuncturist.

14 ➔Section 2. KRS 311.672 is amended to read as follows:

15 In KRS 311.671 to 311.686, the following words and phrases shall have the meanings
 16 given to them, unless the context clearly indicates otherwise:

17 (1) "Acupuncturist" means an individual licensed~~[certified]~~ to practice acupuncture by
 18 the board;

19 (2) "Board" means the State Board of Medical Licensure;

20 (3) "Committee" means the Acupuncture Advisory Committee under the State Board of
 21 Medical Licensure;

22 (4) "Licensure"~~["Certification"]~~ means licensure~~[certification]~~ by the board to
 23 practice acupuncture; and

24 (5) "Practice of acupuncture" means the insertion of acupuncture needles, with or
 25 without accompanying electrical or thermal stimulation, at certain acupuncture
 26 points or meridians on the surface of the human body for purposes of changing the
 27 flow of energy in the body and may include acupressure, cupping, moxibustion, or

dermal friction. The practice of acupuncture shall not include laser acupuncture, osteopathic manipulative treatment, chiropractic adjustments, physical therapy, or surgery.

➔Section 3. KRS 311.673 is amended to read as follows:

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A relating to the licensure~~[certification]~~ and regulation, including temporary licensure~~[certification]~~, of acupuncturists. Regulation of acupuncture includes continuing education requirements and fee schedules.
- (2) The board shall establish an eight (8) member Acupuncture Advisory Committee that shall review and make recommendations to the board regarding matters relating to acupuncturists that come before the board, including but not limited to:
 - (a) Applications for acupuncturist licensure~~[certification]~~;
 - (b) Licensure~~[Certification]~~ renewal requirements;
 - (c) Fees;
 - (d) Applicable standards of practice for acupuncture practitioners;
 - (e) Continuing education requirements;
 - (f) Rotating appointment of committee members;
 - (g) Disciplinary actions, at the request of a panel of the board; and
 - (h) Promulgation and revision of administrative regulations.
- (3) Members of the Acupuncturist Advisory Committee shall be appointed by the board for four (4) year terms, on a rotating basis to provide for continuity, and shall consist of:
 - (a) One (1) member of the board;
 - (b) Two (2) physicians licensed by the board whose practices include the use of acupuncture;
 - (c) One (1) member of the public who is not associated with or financially interested in the practice of acupuncture; and

- 1 (d) Four (4) acupuncture practitioners licensed~~certified~~ by the board.
- 2 (4) The chairperson and secretary of the committee shall be elected by a majority vote
- 3 of the committee members annually. The president shall be responsible for
- 4 presiding over meetings that shall be held on a regular basis, but no less than two
- 5 (2) times each calendar year. Additional meetings may be held each calendar year at
- 6 the call of the chairperson or by the written request of at least three (3) committee
- 7 members. The secretary shall keep a record of the minutes of the committee's
- 8 meetings. Five (5) members of the committee shall constitute a quorum to conduct
- 9 business.
- 10 (5) Members shall receive reimbursement for expenditures relating to attendance at
- 11 committee meetings consistent with state policies for reimbursement of travel
- 12 expenses for state employees.
- 13 (6) The board may remove any member on the member's request or for poor attendance
- 14 at committee meetings, neglect of duties, or malfeasance in office.
- 15 ➔Section 4. KRS 311.674 is amended to read as follows:
- 16 (1) To be licensed~~certified~~ by the board as an acupuncturist, an applicant shall:
- 17 (a) Submit an application approved by the board, with all sections completed,
- 18 with the required fee;
- 19 (b) Be of good character and reputation;
- 20 (c) Have achieved a passing score on the acupuncture examination administered
- 21 by the National Commission for Certification of Acupuncture and Oriental
- 22 Medicine; and
- 23 (d) Have graduated from a course of training of at least one thousand eight
- 24 hundred (1,800) hours, including three hundred (300) clinical hours, that is
- 25 approved by the Accreditation Commission for Acupuncture and Oriental
- 26 Medicine.
- 27 ~~[Prior to July 1, 2007, a person who is a Kentucky resident who does not meet the~~

1 ~~requirement of paragraph (d) of this subsection may be certified by the board if he~~
 2 ~~or she meets all the requirements of paragraphs (a) and (b) of this subsection and~~
 3 ~~passes the examination required under paragraph (c) of this subsection. On and after~~
 4 ~~July 1, 2007,]~~All provisions of this subsection, including graduation from an
 5 approved course of training as specified in paragraph (d) of this subsection, must be
 6 met by all applicants before initial licensure~~[certification]~~ as an acupuncturist may
 7 be granted.

8 (2) An acupuncturist who is legally authorized to practice acupuncture in another state
 9 and who is presently in good standing in that other state may be licensed~~[certified]~~
 10 by endorsement from the state of his or her credentialing if that state has standards
 11 substantially equivalent to those of this Commonwealth.~~[An applicant who submits~~
 12 ~~his or her application for certification within the six (6) months immediately~~
 13 ~~following July 12, 2006, shall be certified by the board as an acupuncturist if the~~
 14 ~~applicant meets the requirements of subsection (1)(a) to (c) of this section and has~~
 15 ~~been legally authorized to practice acupuncture in another state for at least two (2)~~
 16 ~~years prior to submission of the application.]~~

17 (3) The board may request any reasonable information from the applicant and from
 18 collateral sources that is necessary for the board to make an informed decision. The
 19 applicant will execute any necessary waiver or release so that the board may obtain
 20 necessary information from collateral sources. An application will be considered
 21 completed when the applicant has fully answered all sections of the approved
 22 application and the board has received all necessary additional information from the
 23 applicant and collateral sources.

24 (4) An acupuncturist's license~~[certificate]~~ shall be renewed every two (2) years upon
 25 fulfillment of the following requirements:

26 (a) The applicant has submitted a renewal application approved by the board
 27 within the time specified, with all sections completed, with the required fee;

- 1 (b) The applicant is of good character and reputation; and
- 2 (c) The applicant has provided evidence of completion of the required continuing
- 3 education during the previous period of licensure[certification], including
- 4 evidence of completion of a continuing education course on the human
- 5 immunodeficiency virus and acquired immunodeficiency syndrome in the
- 6 previous ten (10) years that meets the requirements of KRS 214.610.
- 7 (5) The board shall notify each applicant in writing of the action it takes on an
- 8 application within one hundred twenty (120) days following the board's receipt of a
- 9 completed application.
- 10 (6) Notwithstanding any of the requirements for licensure[certification] established in
- 11 this section, and after providing the applicant with reasonable notice of its intended
- 12 action and after providing a reasonable opportunity to be heard, the board may deny
- 13 licensure[certification] to an applicant without a prior evidentiary hearing upon a
- 14 finding that the applicant has violated any provision of this section or is otherwise
- 15 unfit to practice. If the board denies an application, it shall notify the applicant of
- 16 the grounds on which the denial is based. Orders denying a license[certificate] may
- 17 be appealed pursuant to KRS 311.593.

18 ➔Section 5. KRS 311.675 is amended to read as follows:

- 19 (1) Whenever, in the opinion of the executive director based upon verified information
- 20 contained in the application, an applicant for a license[certificate] to practice as an
- 21 acupuncturist is eligible under the applicable provisions of KRS 311.671 to
- 22 311.686, the executive director may issue to the applicant, on behalf of the board, a
- 23 temporary license[certificate] which shall entitle the holder to practice as an
- 24 acupuncturist for a maximum of six (6) months from the date of issuance unless the
- 25 temporary license[certificate] is canceled by the executive director. The executive
- 26 director may cancel the temporary license[certificate] at any time without a hearing,
- 27 for reasons deemed sufficient with appropriate consultation with the

1 board[president], and the executive director shall cancel the temporary
 2 license[certificate] immediately upon direction by the board or upon the board's
 3 denial of the application for a license[certificate]. The temporary license[certificate]
 4 shall not be renewable.

5 (2) The executive director shall present to the board the application for
 6 licensure[certification] made by the holder of the temporary license[certificate]. If
 7 the board issues a regular license[certificate] to the holder of a temporary
 8 license[certificate], the fee paid in connection with the temporary
 9 license[certificate] shall be applied to the regular license[certificate] fee.

10 (3) If the executive director cancels a temporary license[certificate], he or she shall
 11 promptly notify, by United States certified mail, the holder of the temporary
 12 license[certificate] at the last known address on file with the board. The temporary
 13 license[certificate] shall be terminated and of no further force or effect three (3)
 14 days after the date the notice was sent by certified mail.

15 ➔Section 6. KRS 311.676 is amended to read as follows:

16 (1) An acupuncture practitioner shall use the designation "licensed[certified]
 17 acupuncturist" or "L.Ac."["C.Ac."}] following his or her name in all advertisements,
 18 professional literature, and billings used in connection with his or her practice.

19 (2) The license[certification] issued by the board shall be conspicuously displayed in
 20 the licensed[certified] acupuncture practitioner's place of business.

21 (3) A person who is not licensed[certified] under KRS 311.671 to 311.686 shall not use
 22 any terms, words, abbreviations, letters, or insignia that indicate or imply that he or
 23 she is engaged in the practice of acupuncture.

24 (4) Any person who violates this section shall be guilty of a Class A misdemeanor.

25 ➔Section 7. KRS 311.678 is amended to read as follows:

26 An acupuncturist shall obtain informed consent from each patient in a manner consistent
 27 with the acceptable and prevailing standards of practice within this Commonwealth and,

1 at a minimum, the acupuncturist shall disclose to the patient the following written
 2 information prior to or during the patient's initial visit:

3 (1) The acupuncturist's qualifications, including his or her education,
 4 license~~[certification]~~ information, and the definition and scope of the practice of
 5 acupuncture in the Commonwealth; and

6 (2) Possible outcomes of the treatment to be given, including any pain, bruising,
 7 infection, needle sickness, or other side effects that may occur.

8 ➔Section 8. KRS 311.680 is amended to read as follows:

9 (1) Every licensed~~[certified]~~ acupuncturist shall develop a written plan for consultation,
 10 emergency transfer, and referral to appropriate health-care facilities or to other
 11 health-care practitioners operating within the scope of their authorized practices,
 12 which meets the requirements contained in administrative regulations promulgated
 13 by the board. The written plan shall be filed with the board and maintained at the
 14 acupuncturist's practice location and updated as appropriate to meet current
 15 regulatory requirements.

16 (2) If, in the course of conducting an interview regarding the patient's medical history,
 17 the patient discloses that he or she suffers from one (1) of the potentially serious
 18 disorders or conditions listed in subsection (3) of this section, the acupuncturist
 19 shall verify that the patient is currently under the care of a physician and consult
 20 with the treating physician before providing acupuncture treatment. If the patient
 21 refuses to provide a medical history or disclose information regarding any of the
 22 conditions listed below, acupuncture treatment shall not be provided.

23 (3) For purposes of this section, "potentially serious disorder or condition" means:

- 24 (a) Hypertension and cardiac conditions;
- 25 (b) Acute, severe abdominal pain;
- 26 (c) Undiagnosed neurological changes;
- 27 (d) Unexplained weight loss or gain in excess of fifteen percent (15%) of the

1 patient's body weight in less than a three (3) month period;

2 (e) Suspected fracture or dislocation;

3 (f) Suspected systemic infections;

4 (g) Serious hemorrhagic disorder;

5 (h) Acute respiratory distress without a previous history;

6 (i) Pregnancy;

7 (j) Diabetes; or

8 (k) Cancer.

9 ➔Section 9. KRS 311.681 is amended to read as follows:

10 (1) Any person licensed~~[certified]~~ as an acupuncturist shall renew his or her
11 license~~[certificate]~~ every two (2) years. He or she shall pay to the board a renewal
12 fee established by the board in administrative regulations. The fee shall be paid on
13 or before June 1 of the year in which the license~~[certificate]~~ expires. A
14 license~~[certificate]~~ that is not renewed within sixty (60) days after June 1 shall
15 expire for failure to renew in a timely manner.

16 (2) The board shall notify the licensed~~[certified]~~ acupuncturist of the renewal date at
17 the acupuncturist's last known address. The notice shall include an application and
18 notice of renewal fees. The licensed~~[certified]~~ acupuncturist's failure to receive the
19 renewal notice shall not be considered an excuse to waive a late-payment fee.

20 (3) A sixty (60) day grace period shall be allowed after June 1 of each year, during
21 which the acupuncturist may continue to practice. The acupuncturist may renew his
22 or her license~~[certification]~~ upon payment of the renewal fee and a late-renewal fee
23 as established by the board in administrative regulation.

24 (4) Any license~~[certification]~~ not renewed by the end of the grace period shall
25 terminate, and the acupuncturist shall no longer be eligible to practice acupuncture
26 in the Commonwealth. An individual with a terminated license~~[certification]~~ may
27 have his or her license~~[certification]~~ reinstated upon payment of the renewal fee and

1 a reinstatement fee as established by the board in administrative regulations. A
 2 person who applies for reinstatement shall not be required to take an examination as
 3 a condition of reinstatement if the person's reinstatement application is made within
 4 five (5) years of the date of termination.

5 (5) A suspended license~~[certificate]~~ shall expire and terminate if not renewed. Renewal
 6 of a suspended license~~[certificate]~~ shall not entitle the licensed~~[certified]~~
 7 practitioner to practice until the suspension has ended or the right to practice has
 8 been restored by the board.

9 (6) A revoked license~~[certificate]~~ shall terminate and may not be renewed. If a revoked
 10 license~~[certificate]~~ is reinstated, the licensed~~[certified]~~ practitioner shall pay the
 11 renewal fee and the reinstatement fee under subsections (1) and (4) of this section.

12 (7) If a person fails to reinstate his or her license~~[certificate]~~ within five (5) years of its
 13 termination, the license~~[certificate]~~ shall not be renewed, restored, reissued, or
 14 reinstated. The person shall obtain a new license~~[certificate]~~ under the conditions
 15 established in KRS 311.674.

16 ➔Section 10. KRS 311.682 is amended to read as follows:

17 (1) The board shall, by administrative regulation, prescribe continuing education
 18 requirements not to exceed thirty (30) hours biennially, as a condition for renewal of
 19 a license~~[certificate]~~. All education programs that contribute to the advancement,
 20 extension, or enhancement of professional skills and knowledge related to the
 21 practice of acupuncture, whether conducted by a nonprofit or profit-making entity,
 22 are eligible for approval. The continuing professional education requirements must
 23 be in acupuncture or oriental medicine subjects, including but not limited to
 24 anatomy, biological sciences, adjunctive therapies, sanitation and sterilization,
 25 emergency protocols, and diseases.

26 (2) The board shall have the authority to set a fee for each continuing education
 27 provider.

1 (3) The licensed~~[certified]~~ practitioner shall retain in his or her records the certificates
 2 of completion of continuing professional education requirements to prove
 3 compliance with this section.

4 (4) All national and state acupuncture and oriental medicine organizations and
 5 acupuncture and oriental medicine schools are approved to provide continuing
 6 professional education in accordance with this section.

7 ➔Section 11. KRS 311.683 is amended to read as follows:

8 (1) A person licensed~~[certified]~~ under KRS 311.674 and 311.675 may apply for
 9 inactive status upon submitting an application and paying an inactive-status fee.

10 (2) An inactive license~~[certificate]~~ may be reactivated upon application to the board. If
 11 a license~~[certificate]~~ has been inactive for more than five (5) consecutive years, the
 12 licensed~~[certified]~~ practitioner shall apply for a new license~~[certificate]~~ and shall
 13 meet all the requirements in existence for a license~~[certification]~~ under KRS
 14 311.674 and 311.675. That application for licensure~~[certification]~~ shall require:

15 (a) Evidence of the license~~[certificate]~~ holder's payment of an inactive-status fee;
 16 and

17 (b) Payment of the initial licensure~~[certification]~~ fee.

18 ➔Section 12. KRS 311.684 is amended to read as follows:

19 (1) The board may:

20 (a) Revoke a license~~[certificate]~~;

21 (b) Suspend a license~~[certificate]~~ for a period not to exceed five (5) years;

22 (c) Deny an application for a license~~[certificate]~~;

23 (d) Decline to renew a license~~[certificate]~~;

24 (e) Indefinitely restrict or limit a license~~[certificate]~~;

25 (f) Issue a fine of up to two thousand dollars (\$2,000) per violation and/or the
 26 costs of the proceedings;

27 (g) Place a license~~[certificate]~~ on probation for a period not to exceed five (5)

1 years;

2 (h) Reprimand the acupuncturist; or

3 (i) Impose any combination of such sanctions, upon proof that the acupuncturist
4 has:

5 1. Knowingly made or presented or caused to be made or presented any
6 false, fraudulent, or forged statement, writing, certificate, diploma, or
7 other document relating to an application for licensure[certification];

8 2. Practiced, aided, or abetted in the practice of fraud, forgery, deception,
9 collusion, or conspiracy relating to an examination for
10 licensure[certification];

11 3. Entered a guilty or nolo contendere plea, or been convicted, by any court
12 within or without the Commonwealth of Kentucky, of committing an act
13 which is or would be a felony under the laws of the Commonwealth of
14 Kentucky or of the United States;

15 4. Entered a guilty or nolo contendere plea, or been convicted, by any court
16 within or without the Commonwealth of Kentucky, of any misdemeanor
17 offense which has dishonesty as a fundamental and necessary element,
18 including but not limited to crimes involving theft, embezzlement, false
19 swearing, perjury, fraud, or misrepresentation;

20 5. Become addicted to, or is an abuser of, alcohol, drugs, or any illegal
21 substance;

22 6. Developed a physical or mental disability or other condition that
23 presents a danger in continuing to practice acupuncture to patients, the
24 public, or other health-care personnel;

25 7. Knowingly made, caused to be made, or aided or abetted in the making
26 of a false statement in any document executed in connection with the
27 practice of acupuncture;

- 1 8. Aided, assisted, or abetted the unlawful practice of medicine or
- 2 acupuncture;
- 3 9. Willfully violated a confidential communication;
- 4 10. Performed the services of an acupuncturist in an unprofessional,
- 5 incompetent, or grossly or chronically negligent manner;
- 6 11. Been removed, suspended, expelled, or placed on probation by any
- 7 health-care facility or professional society for unprofessional conduct,
- 8 incompetence, negligence, or violation of any provision of this section;
- 9 12. Violated any applicable provision of a statute or administrative
- 10 regulation relating to acupuncture practice;
- 11 13. Violated any term of a final order or agreed order issued by the board; or
- 12 14. Failed to complete the required number of hours of approved continuing
- 13 education.
- 14 (2) All disciplinary proceedings against an acupuncturist shall be conducted in
- 15 accordance with KRS 311.591, 311.592, 311.593, ~~and~~ 311.599, and KRS Chapter
- 16 13B and related administrative regulations promulgated under KRS Chapter 311.
- 17 (3) (a) The board may issue a written admonishment to the licensed~~certified~~
- 18 acupuncturist when, in the judgment of the board:
- 19 1. An alleged violation is not of a serious nature; and
- 20 2. The evidence presented to the board after the investigation, including an
- 21 appropriate opportunity for the licensed~~certified~~ acupuncturist to
- 22 respond, provides a clear indication that the alleged violation did in fact
- 23 occur.
- 24 (b) A copy of the admonishment shall be placed in the permanent file of the
- 25 licensed~~certified~~ acupuncturist.
- 26 (c) The licensed~~certified~~ acupuncturist shall have the right to file a response to
- 27 the admonishment within thirty (30) days of its receipt and to have the

1 response placed in the permanent licensure~~[certification]~~ file.

2 (d) The licensed~~[certified]~~ acupuncturist may alternatively, within thirty (30) days
3 of the admonishment's receipt, file a request for a hearing with the board.

4 (e) Upon receipt of a request for a hearing, the board shall set aside the written
5 admonishment and set the matter for a hearing under the provisions of KRS
6 Chapter 13B.

7 (4) At any time during the investigative or hearing processes, the board may enter into
8 an agreed order or accept an assurance of voluntary compliance with the
9 licensed~~[certified]~~ acupuncturist which effectively deals with the complaint.

10 (5) The board may, upon the agreement of the aggrieved party, use mediation to handle
11 disciplinary matters. The board may appoint any member or members of the board,
12 any staff member, or any other person or combination thereof to serve in the
13 mediation process.

14 (6) The board may reconsider, modify, or reverse its disciplinary actions.

15 ➔Section 13. KRS 311.685 is amended to read as follows:

16 (1) The board, before suspending, revoking, imposing probationary or supervisory
17 conditions upon a licensed~~[certified]~~ acupuncturist, imposing an administrative
18 fine, issuing a written reprimand, or any combination of these actions regarding any
19 licensed~~[certified]~~ acupuncturist under KRS 311.671 to 311.686, shall set the
20 matter for a hearing under the provisions of KRS Chapter 13B.

21 (2) After denying an application under KRS 311.671 to 311.686 or issuing a written
22 admonishment, the board, at the request of the aggrieved party, shall grant a hearing
23 under the provisions of KRS Chapter 13B.

24 (3) Except for final orders denying an initial application or renewal for
25 licensure~~[certification]~~ or final orders issued pursuant to KRS 13B.125(3), all final
26 orders of the board affecting an acupuncturist's license~~[certificate]~~ shall become
27 effective thirty (30) days after notice is given to the license~~[certificate]~~ holder

1 unless otherwise agreed; however, the board's panels may provide that a final order
2 be effective immediately when, in the panel's opinion, based upon sufficient
3 reasonable cause, the health, welfare, and safety of patients or the general public
4 would be endangered by delay.

5 (4) Any acupuncturist who is aggrieved by a final order of the board denying an initial
6 or renewal application for licensure~~[certification]~~ or rendering disciplinary action
7 against a license~~[certificate]~~ holder may seek judicial review of the order by filing a
8 petition with the Circuit Court of the county in which the board's offices are located
9 in accordance with KRS Chapter 13B. Decisions of the board's panels relating to
10 petitions for reinstatement of revoked licenses~~[certificates]~~ are not final orders for
11 purposes of this statute, and are not subject to judicial review.

12 (5) The court shall not award injunctive relief against the board without providing the
13 board with the reasonable opportunity to be heard.

14 (6) An acupuncturist whose license~~[certificate]~~ has been revoked may, after five (5)
15 years from the effective date of the revocation order, petition the board to reissue
16 the license~~[certificate]~~ to again practice acupuncture in the Commonwealth of
17 Kentucky.

18 (7) The board shall not be required to issue a new license~~[certificate]~~, and a decision of
19 the board not to reissue a license~~[certificate]~~ shall not be subject to judicial review.
20 A license~~[certificate]~~ shall not be reissued following a petition under subsection (6)
21 of this section unless the former license~~[certificate]~~ holder satisfies the board that
22 he or she is presently of good moral character and qualified both physically and
23 mentally to resume the practice of medicine without undue risk or danger to patients
24 or the public.

25 (8) In the event the board reissues a revoked license~~[certificate]~~ under the
26 circumstances as described in this section, the reissued license~~[certificate]~~ shall be
27 under probation for a period of not less than two (2) years nor more than five (5)

1 years with conditions fixed by the board, including a condition that any violation of
2 the remaining conditions of probation shall result in automatic revocation of the
3 license[certificate].

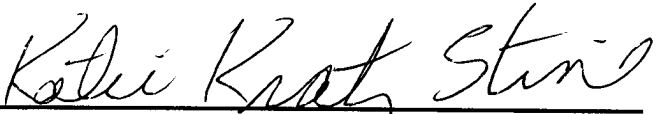
4 ➔Section 14. KRS 311.686 is amended to read as follows:

5 (1) At any time when an inquiry panel established under KRS 311.591 has probable
6 cause to believe that an acupuncturist has violated the terms of an agreed order as
7 defined in KRS 311.550(19), or violated the terms of a disciplinary order, or that an
8 acupuncturist's practice constitutes a danger to the health, welfare, or safety of
9 patients or the general public, the inquiry panel may issue an emergency order in
10 accordance with KRS 13B.125 suspending, limiting, or restricting the
11 acupuncturist's license[certificate].


12 (2) For the purposes of a hearing conducted under KRS 311.592 on an emergency order
13 issued under this section, the findings of fact in the emergency order shall constitute
14 a rebuttable presumption of substantial evidence of a violation of law that
15 constitutes immediate danger to the health, welfare, or safety of patients or the
16 general public. For the purposes of this hearing only, hearsay shall be admissible
17 and may serve as a basis of the board's findings.

18 (3) An emergency order as described in subsection (1) of this section shall not be issued
19 unless grounds exist for the issuance of a complaint. The inquiry panel shall issue a
20 complaint prior to the date of the emergency hearing or the emergency order shall
21 become void.

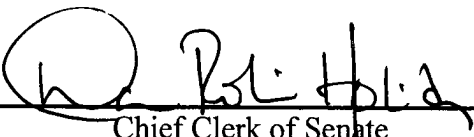
22 (4) An emergency order suspending, limiting, or restricting a license[certificate] shall
23 not be maintained after a final order as defined in KRS 311.550(20) is served on the
24 charged acupuncturist pursuant to the proceeding on the complaint. An appeal of an
25 emergency order shall not prejudice the board from proceeding with the complaint.



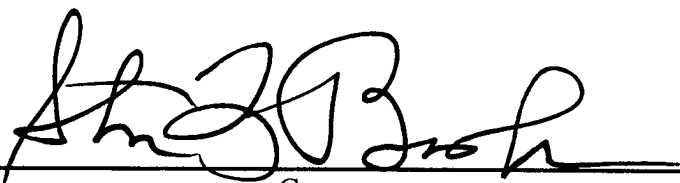
President of Senate



Speaker-House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 